



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD BANKS,

Plaintiff,

- against -

MCGLYNN, HAYS & CO., INC., et al.,

Defendants.
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19-CV-5727 (JPO) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Defendants' letter applications at Dkt. 288 and 289. It is less than clear to the Court whether defense counsel fulfilled his obligation to meet and confer. Nonetheless, to forestall further sparring on the issue raised and in the interest of bringing discovery in this matter to completion, the Court orders as follows.

Defendants' expert shall be entitled to the same amount of time for examination and evaluation of Plaintiff as was provided to Plaintiff's expert. Plaintiff shall make himself available in New York for three consecutive days of examination and evaluation by Defendants' expert on either **December 13-15, 2021** or **December 20-22, 2021** (dates provided by Plaintiff), at Defendants' choosing, so long as Defendants notify Plaintiff of which dates they select no later than **November 8, 2021**. To the extent a third day can be avoided by lengthening the examination period on the first two days (which Defendants indicated would otherwise be 10:00 am to 4:00 pm), the parties should make reasonable efforts to do so.

Plaintiff shall take a Covid-19 test in advance of the examination within a time frame that is sufficiently in advance of the examination to obtain a result but not so early

as to render the result stale. Plaintiff shall provide proof that he tested negative. Counsel, the expert, and anyone else attending the examination must do the same. The parties (and expert) shall wear masks and socially distance.

The deadline for completion of expert discovery shall be extended solely for the examination rendering of a report by the expert. The report must be completed and served no later than 30 days after the day of examination. No later than **January 21, 2022**, the parties shall jointly file a letter confirming that expert discovery has been completed and informing the Court whether either party intends to move for summary judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 2, 2021
New York, New York

Copies transmitted this date to all counsel of record.